REMARKS

Claims 1-31 are pending in this application. Claims 1, 5-14 and 17-24, have been amended. New claims 25-31 are submitted. Claims 1-31 remain in the application for consideration.

A Petition for a one-month extension and an extension fee of $110 for a large entity is attached hereto.

All of the Figures filed with this application have been objected to and new sheets have been required. Replacement Sheets are enclosed herewith. Formal Figures 1 and 2 are present in Replacement Sheet 1 eliminating the handwriting and small type. Since no new matter has been added in Sheet 1, no annotated sheet showing changes is required. The drawings have also been corrected by the inclusion on a connection between Figs. 3 (Replacement Sheet 2) and 4 (Replacement Sheet 3). Annotated sheets showing changes to Figures 3 and 4 are provided herein.

The Examiner has rejected independent claims 1, 13 and 21 under 35 U.S.C. 103 as being unpatentable over Clark et al (US6131117) in view of Stupek, Jr. et al.(US5960189). Reconsideration is requested. In response thereto claims 1, 13 and 21 have been amended to clarify the invention.

Claims 1, 13 and 21 have been amended to clarify that each of the respective node IDs identifies or specifies --which node site each computer is intending to act as-- in step (a), and are now believed to be allowable.

Claims 1, 13 and 21 have each been amended in step (c) to correct an ambiguity by specifying --each computer having an application execution program-- with the words "inserting into" being deleted. The ambiguity resides in the fact that if an application execution program were being inserted, then it could just as easily be the correct program, obviating the step (d) of comparing. Accordingly, step (d) in all three instances has been amended to change "reinserting" to –inserting--.

Step (d) in claims 1, 13 and 21 have been amended to clarify another possible ambiguity and to clearly refer to the --application execution program-- identified in step (c).

Step (f) in claims 1, 14 and 21 have been amended to clear up possible ambiguities related to antecedent references.

Claims 4-12, 16-20 and 22-24, which depend from independent claims 1, 13 and 21 have been amended to further clarify different refinements of the invention and to further substantiate the patentability of the claims over the cited references.

It is submitted that the presently claimed invention is not anticipated or made obvious by the cited art and reconsideration is requested.

The Examiner asserted with respect to the original claims that Clark et al teaches:

> "(a)...each computer having a hardware unit for producing a hardware note ID (physical unit or PU) identifying which node each computer is intending to act as (col. 6, lines 55-67).
>
> (c) inserting into each computer an application execution program having a logical node ID (i.e. LU) unique to the application to be executed by each computer at its associated site (col.6, lines 55-67) and
>
> (e) providing a network mapping (i.e. specialized data structure) means for correlating the logical node Ids (i.e. LU) with appropriate associated physical site node IDs (PU; col. 7, line 62- col. 8, lines 8). "

It is submitted that the presently claimed elements are not anticipated or made obvious by Clark et al..

More specifically, Clark et al does not teach any identifier which is node site specific. Each PU in Clark et al. has a name and a unique exchange identifier; however, those names and exchange identifiers are unique to the computers and not to any network node site or physical site node.

Further, no mention is made in Clark et al. about application execution programs having a logical node ID. Still further, nothing is mentioned in Clark et al. about any logical node ID which is unique to the application to be executed by each computer at its associated site. As

mentioned above, each PU in Clark et al. has a name and a unique exchange identifier. However, neither the name or the exchange identifier is unique to either a network node site or the applications to be executed by each computer at its associated site.

Even further, the network mapping taught by Clark et al. does not correlate anything with physical site node IDs because site node IDs do not exist in Clark et al.

The Examiner asserted with respect to the original claims that:

> "Stupek, Jr. et al. teach comparing the hardware node ID of the computer for each computer with the logical node ID of the application program (i.e. comparing the version numbers) therein, and should there be a mismatch (based on comparison of version numbers), reinserting a new applications program into the computer having an appropriate logical node ID equivalent to the hardware node ID (i.e. upgrading; abstract; summary; col. 4, lines 11-34); and comparing the logical node ID of the applications program for each computer with the logical node ID associated with the physical node of the computer as indicated by the network mapping means (i.e. comparing the version number), and in the event of a mismatch (based on comparison of version numbers), inserting the correct application program having the appropriate logical ID indicated by the network mapping means (i.e. upgrading; abstract; summary; col. 4, lines 11-34). However, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Clark et al. and Stupek, Jr, et al. because that would provide the user option of whether to perform an upgrade (Cal. 2, lines 1-7)."

It is submitted that Stupek, Jr. et al only compares software version numbers for individual clients connected to the server and that no reference is made to any site node ID. Further, the version numbers of Stupek, Jr. et al are not equivalent to any sort of node ID. The version numbers are solely version numbers and are only used in reference to software versions and not in reference to any node or location of the software. It is further submitted that given the important role played by software version numbers in controlling software, that it is not obvious to use software version numbers as any means of node identification.

Thus, neither Clark et al. nor Stupek, Jr. et al. teaches or makes obvious either the use of a site node ID or a relationship between a node ID and any application logical ID. Likewise none of the sited references either teaches or makes obvious the presently claimed invention.

It is further submitted that claims 2-12, 14-20 and 22-24 are dependent upon independent claims 1, 13 or 21 and are therefore in-turn allowable. It is also submitted that claims 8, 19 and 23 are further allowable because none of the cited references either teaches or makes obvious the network downloading of node ID specific software.

New system claims 25-31 are submitted herewith to capture the present invention in its system embodiment. All of the patentability arguments made above in relation to claim 13 are equally relevant to the allowability of new independent claim 25. With respect to claim 27, the cited art does not teach or make obvious the use of logical node IDs in relation to applications to be run at specific network nodes. Claims 26-31 are also submitted as being allowable in view of their dependency from claim 25. No new matter has been added.

Enclosed herein is a petition for a one-month extension of time and the appropriate fee ($110) for a large entity. Also enclosed is the appropriate fee ($214) for a large entity for the addition of seven (7) new total claims and one (1) claim is an independent claim, which are beyond the previous paid claim fee. The Commissioner for Patents is hereby authorized to charge any deficiencies to or credit any overpayment to Deposit Account No. 03-2410, Order No. 12078-114.

The following information is presented in the event that a call may be deemed desirable by the Examiner:

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Respectfully submitted,
Howard Lewis, et al., Applicants

Date: November 9, 2004

By: _____
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ADD LABELING OF CONTINUATION LINE

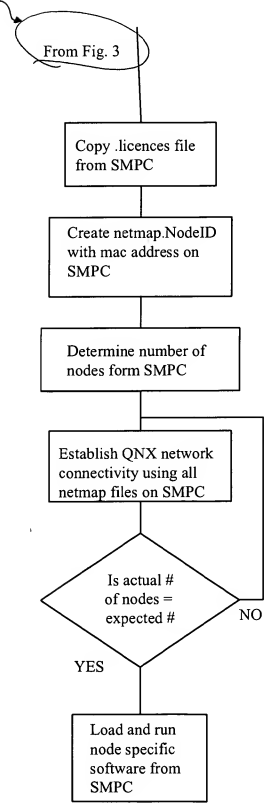

Fig. 4

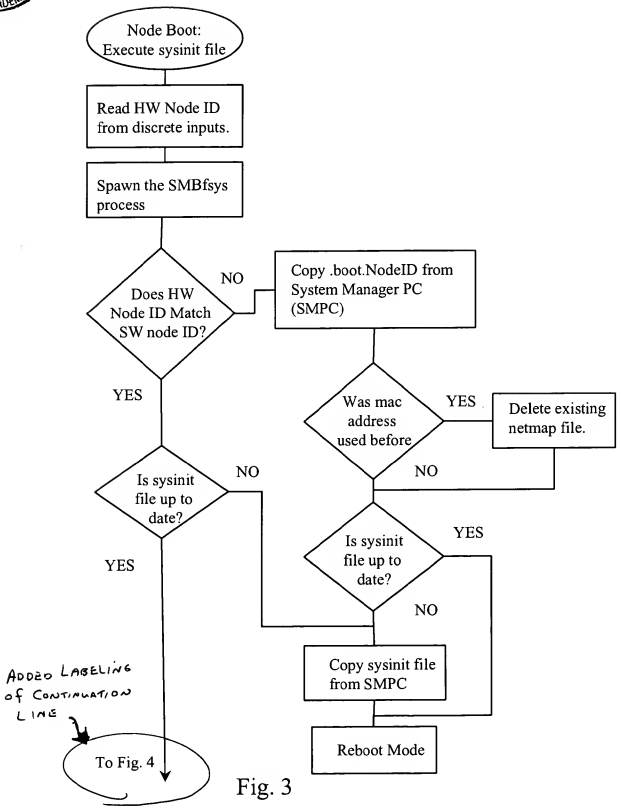

Fig. 3